



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

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HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

-
28th Session
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NR0430E1
(+ Annex)

O. Eng.

Brussels, 15 July 2003.

COMPREHENSIVE REVIEW OF THE EXPLANATORY NOTES
POSSIBLE AMENDMENT OF THE EXPLANATORY NOTES
TO HEADINGS 84.30 TO 84.40
(Item III.C.2 on Agenda)

Reference documents :

NR0302E1 (RSC/26)

NR0303E1 (RSC/26)

NR0400E3 – Annex E/2 (RSC/27 - Report)

NR0332E2 – Annex E/12 (RSC/26 - Report)

NR0356E1 (RSC/27)

I. BACKGROUND

1. At its 27th Session, the Sub-Committee continued its discussion on the possible amendment of the Explanatory Notes to headings 84.30 to 84.40.
2. Although there was general agreement with many of the proposed amendments, the Sub-Committee felt that certain remaining questions should be resolved before the amendments were approved. In order to identify the remaining questions, the Sub-Committee agreed to place square brackets around those texts for which further discussion was necessary. The Sub-Committee agreed to address these texts at its next session on the basis of additional proposals from administrations, review of additional technical information by administrations, and, where appropriate, redrafted language based on an editorial review by the Secretariat. All the other proposals were agreed upon and will be reviewed, if necessary, when the Sub-Committee considers the specific texts that remain in square brackets.
3. The texts for which there was general agreement and those placed in square brackets are reproduced in the Annex to this document.

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II. SECRETARIAT COMMENTS

4. At the time of preparing this document, the Secretariat had not received additional proposals or additional technical information from administrations. The texts in square brackets in the Annex call for the following comments.

Heading 84.34.

Page 1480. Part (I). Third paragraph.

5. Although some delegates could accept the text because it described a type of milking system that would fall in heading 84.34, other delegates expressed concerns. One delegate indicated that it was uncertain as to whether Note 3 or Note 4 to Section XVI applied. In response, one delegate pointed out that the text could be added to the third paragraph in Part (I) because that paragraph referred to the classification of milking systems that comprised separate components. The Secretariat agreed to examine the text in the light of these comments.
6. Having taken the Sub-Committee's discussions into consideration, the Secretariat is not opposed to the insertion of the above-mentioned text as a new fifth paragraph, as suggested by one delegate. Consequently, it has inserted such a proposal in square brackets as an option in the Annex to this document. The Secretariat supports the insertion of this text in Part (I) of the Explanatory Note to heading 84.34, since it describes a type of milking system that would fall in that heading. The Secretariat could agree with placement either at the end of the last sentence of the third paragraph as originally proposed or in a new fifth paragraph. Regarding the question whether Note 3 or Note 4 to Section XVI applies, the Secretariat does not believe that this type of system would be of a kind that would be classified on the basis of Note 3 to Section XVI.
7. Another delegate asked for more information on the various types of apparatus presented with the system. The **Japanese** Delegate indicated that his administration would provide additional information in this connection. The Sub-Committee agreed to place the text in square brackets.

Heading 84.36.

Page 1485. Part (II). New exclusion paragraph.

8. The Sub-Committee agreed that the reference to "heading 84.28" was incorrect and changed to the reference to "heading 84.22" in the proposed exclusion paragraph.

Heading 84.39.

Page 1495. Part (I). Item (A). New item (7).

Page 1496. Part (I). Item (E).

9. The **US** Delegate asked that the Secretariat review the proposed texts for new item (7) to Part (I) (A), heading 84.39 and revised Item (E) to Part (I) of the same heading. He indicated that these appeared to be redundant. The Sub-Committee agreed to place these texts in square brackets for further review by the Secretariat.
10. In reviewing these texts, the Secretariat understands that the former Delegate of **Sweden** wished to highlight the fact that there are two different types of refiners on the market. Present Item E to Part I describes refiners which prepare pulp for papermaking by improving the papermaking properties of the pulp. New Item (7) describes the second type

of refiner, whose purpose is to make mechanical pulp and chemi-mechanical pulp by working on the raw material (wood chips or partly refined chips).

Page 1496. Part (II). Item (A).

11. Concern was raised as to the meaning of the second sentence in the proposed revision of Item (A). The Sub-Committee agreed to place the text of Item (A) in square brackets so that the Secretariat could make it clearer.
12. The purpose of this revision was to update terminology. However, the Secretariat also felt that the proposed text needed clarification. Consequently, the Secretariat has revised the presentation in the Annex to the document and placed its proposed text within square brackets for the consideration of the Sub-Committee.¹

Page 1497. Part (II). Item (D).

13. The **US** Delegate indicated that the proposed revision for the text of Item (D) appeared to be redundant. The Sub-Committee agreed to place the text of Item (D) in square brackets so that the Secretariat could review the text.
14. Upon reflection, the Secretariat can see where the suggested change might cause some confusion and, as a result, could agree to withdraw the proposal.

III. CONCLUSION

15. The Review Sub-Committee is invited to examine the draft amendments placed in square brackets in the Annex to this document, taking into account the Secretariat's comments above.

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¹ Secretariat Note

Delegates will note that two different presentations have been proposed for the English version of Item (A) in Part (II) of the Explanatory Note to heading 84.39, on page 1496. The content of this item is exactly the same in both presentations. However, as the French version of this item has been drafted from a slightly different standpoint, it was difficult to present its contents in the form of a list, as has been done in the English version. Consequently, the Secretariat considered it preferable to present an alternative version which is, in effect, a translation of the equivalent English, accompanied - in square brackets - by a few additional clarifications where the Secretariat deemed this necessary.